**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD**

**THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA**

Writ Petition No.12710 of 1998

Dated: 14-02-2007

**Between:**

1. Gajula Anjaneyulu, s/o Venkanna,
   aged about 55 years,
   r/o Kolamuru,
   Undi Mandal,
   West Godavari District and 5 others.

**... Petitioners**

**and**

1. Kolamuru Gram Panchayat, Kolamuru,
   Undi Mandal, West Godavari District,
   rep. by its Executive Officer and 5 others.

**... Respondents**

**ORDER:**

This writ petition is filed seeking *mandamus* declaring the action of the respondents in contemplating to demolish the constructions including the residential houses and to remove the yielding coconut trees situated in the private land of the petitioners

without recourse to law, as illegal and arbitrary and consequently direct the respondents not to demolish the constructions including the residential houses bearing Nos.3-107 (Asst. No.273), 3-102 (Asst. No.268), 3-103 (Asst. No.278), 3-104 (Asst.No.264 ) belonging to the petitioners to 1 to 4 respectively situated in the lands abutting Pamulaparrukodu within the limits of Kolamuru, Undi Mandal, West Godavari District and not to remove the coconut trees belonging to the petitioners 5 and 6 situated in R.S.No.378/3, 236/3 and 381, 257/10 abutting Kaligotla Kodu, Kolamuru village, Undi Mandal, West Godavari District.

2. It is the case of the petitioners that petitioners 1 to 4 are the absolute owners of the residential houses while petitioners 5 and 6 are the absolute owners of the wetlands in question. According to the petitioners, the respondents in the name of widening of the drainage channels, trying to demolish the pucca constructions and also to remove the coconut trees of the petitioners. The grievance of the petitioners is that the Government is trying to dispossess them without affording any opportunity or following the due process of law.

3. At a stage when the matter was taken up for admission, this Court on 01-05-1998 while issuing Notice Before Admission, directed the respondents not to demolish the existing houses, pending further orders and subsequently i.e. on 15-04-1999 this Court issued *Rule nisi.*

4. Despite the fact that notices are served on the respondents, the respondents have chosen to file any counter affidavit.

5. Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the

petitioners, I deem it appropriate to dispose of the writ petition with a direction to the respondents to follow due process under law before evicting the petitioners from their respective residential houses.

6. Accordingly, the writ petition is disposed of. No costs.

**JUSTICE GOPALAKRISHNA TAMADA**

Dt.14-02-2007
GLV